

CERMAK | KENEALY LLP

AN INTELLECTUAL PROPERTY MICROBOUTIQUE™ LAW FIRM

Shelly Guest Cermak
+1 703 778 6608 (V)
+1 703 652 5101 (F)
scermak@cermak-kenealy.com

515-B E. Braddock Road
Alexandria, VA 22314 USA

September 7, 2006

Atty. Docket No. US-102

In re application of: Gunji et al.
Application. No.: 10/716,480
Filing Date: November 20, 2003
Title: Method for Producing L-Amino Acid Using Methylotroph

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Transmitted herewith is a revised Appeal Brief in response to the Notice of Non-Compliant Appeal Brief issued on September 5, 2006 in the above-identified application. Applicant confirms that the revised Appeal Brief contains the items required under 37 C.F.R. 41.37(c), as well as the proper headings.

Applicant further confirms that the revised Appeal Brief contains (a) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief (1) identifies, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. §112, sixth paragraph, and/or (2) sets forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 C.F.R. 41.37(c)(1)(v)).

☒ The fee under 37 CFR 1.17(c) for filing a brief in support of an appeal was previously paid on December 15, 2005.

☐ The fee under 37 CFR 1.17(d) to request for oral hearing is enclosed.

☐ An extension of time petition and the request fee of _____ for _____ months is enclosed.

The above fees are submitted via the following payment method:

- ☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
- ☐ A check in the amount _____ is enclosed, including to cover any extension of time fee.
- ☐ Credit Card identified in the EFS-Web process authorizing \$ _____, including to cover any extension of time fee.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to

☒ Deposit Account No. 50-2821

☐ the credit account identified in EFS-Web processing.

☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 C.F.R. § 1.17.

☒ Any Extension of Time fee.

U.S. P.T.O. Customer No. 38108

Cermak & Kenealy, LLP

515 E. Braddock Road, Suite B

Alexandria, VA 22314

703.778.6608

Respectfully submitted,



Shelly Guest Cermak

Reg. No. 39,571